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DEPT FOR INL, NEA/I
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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [IZ](#) [US](#)

SUBJECT: SHIFT TO IRAQI PRIORITIES IN FIFTH ANNUAL RULE OF LAW CONFERENCE

REF: 2008 Baghdad 8208

¶1. (SBU) SUMMARY: The Embassy Rule of Law Coordinator's Office (ROLC) and the Multi-National Force-Iraq (MNF-I) Staff Judge Advocate's Office co-hosted the Fifth Annual Rule of Law Conference at the New Embassy Compound February 17-18. The purpose of the conference was two-fold. The first day was intended to facilitate coordination of U.S. Government (USG) military and civilian initiatives. The second day was focused on seeking and obtaining guidance from the Government of Iraq (GOI) on how the USG and international community and visiting forces could best assist in Rule of Law efforts. USG Rule of Law practitioners exchanged information regarding joint and parallel Rule of Law efforts across Iraq. Additionally, the USG and international community conveyed to our Iraqi guests our intent to support Iraqi Rule of Law priorities rather than impose our own and played a listening role as the GOI representatives discussed issues of concern to them. END SUMMARY.

BACKGROUND

¶2. (SBU) The USG has hosted four previous Rule of Law conferences, the most recent on May 19-21, 2008, at the Blackhawk Conference Center in the International Zone. This year's conference built upon prior successes but is distinguishable because of the breadth and depth of focus on Iraqi priorities and leadership. The second day of the conference was primarily given over to panels of Iraqi speakers, and the theme was post-UNSCR Iraqi-led Rule of Law initiatives with an emphasis on the support role that the USG and international community now play.

DAY 1 - FACILITATING USG COORDINATION

¶3. (U) The Deputy Commanding General of MNF-I opened the first day by emphasizing that time was limited and that everyone needed to focus on both transition and sustainability. He also urged the attendees to avoid "stove piping" by coordinating across the Rule of Law capacity-building community. Seventy-five guests were in attendance, including Resident Legal Advisors (RLAs) from Provincial Reconstruction Teams (PRTs), their military counterparts, senior ROLC and MNF-I legal advisors, representatives from the Embassy Political and Political-Military Affairs Offices, Office of Provincial Affairs (OPA), Bureau of International Narcotics and Law Enforcement Affairs (INL), Anti-Corruption Coordinator's Office, and representatives from the British and Italian Embassies.

¶4. (U) During the morning sessions, the PRT RLAs and their associated military Rule of Law practitioners assessed their areas of responsibility. They discussed the unique challenges faced in each area, as well as their innovative approaches and solutions. Most notable was the team approach that the civilian and military Rule of Law practitioners have developed. PRT RLAs lead the Rule of Law capacity building effort with the military playing a significant supporting role. In areas more challenged by security issues, the military continues to play a more prominent role out of necessity.

Nonetheless, several military representatives and RLAs stated that the senior military commanders in their areas of responsibility had explicitly directed that the military's role was to support the PRT-led Rule of Law efforts.

¶5. (U) The afternoon sessions consisted of a series of subject matter focused presentations. First, Task Force 134 and Multi-National Corps-Iraq (MNC-I) presented an update on detention operations, and the International Criminal Investigative Training Operations, and the International Criminal Investigative Training Assistance Program (ICITAP) and MNF-I discussed Iraqi detention capacity. Additionally, the Justice Attaché provided an update and analysis regarding the judicial security plan. Next, the Law and Order Task Force (LAOTF) spoke about its judicial throughput initiatives, and INL spoke about its capacity building initiatives. Finally, MNF-I and OPA discussed funding and program updates, and Multi-National Security Transition Command-Iraq (MNSTC-I) briefed ongoing police training efforts.

Day 2 - SEEKING GOI GUIDANCE

¶6. (U) The Charge d'Affaires opened the second day of the conference emphasizing that the USG and international community are seeking to understand what support the GOI needs and desires in order to enhance the Rule of Law in Iraq. Ninety-four guests were in attendance, including 16 Iraqi representatives from the Ministries of Interior, Justice, Labor and Social Affairs, Human Rights, and Defense, as well as two senior judges. The Acting Minister of Justice and Minister of Human Rights attended the morning sessions. Ten members of the international community attended, representing the United Nations Assistance Mission for Iraq (UNAMI), United Nations Development Programme (UNDP), the European Union's Integrated Rule of Law Mission for Iraq (EUJUST

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LEX), the European Commission (EC), and the British and Italian Embassies. The International Committee of the Red Cross (ICRC) was invited but unable to attend.

¶7. (SBU) The remainder of the morning was devoted entirely to presentations by the GOI. The first panel focused on the development of Rule of Law within the Ministry of the Interior (MOI). The panel consisted of four Ministry representatives, including the Inspector General, Director of Internal Affairs, General Counsel, and Chief Judge of the MOI courts. The panelists focused primarily on anti-corruption efforts. Several speakers made the point that, since the creation of the internal MOI courts, the Ministry has been able to effectively and quickly deal with police misconduct, increasing the Iraqi public's trust in police forces by ensuring no one is above the law. According to conference attendee Maj. Gen. (Dr.) Saad al Hindawi, Chief Counsel and Legal Advisor for the MOI, since the internal courts were created in late July 2008, 1,047 cases were referred to the Internal Security Forces court system, and 6,000 were referred to the civilian system, 4,200 of which were corruption cases.

¶8. (SBU) The second morning panel was asked to describe how the international community and visiting forces could best support Iraq in enhancing the Rule of Law. The Anti-corruption Coordinator facilitated this panel in Arabic. The speakers were the Minister of Human Rights, Ministry of Justice Inspector General, representatives from the Ministries of Interior and Defense, and the Chief Investigative Judge for the Central Criminal Court of Iraq at Karkh (CCCI-Karkh). Most panelists did not address the question directly but spoke broadly about the importance of achieving the Rule of Law and how their respective organizations were seeking to achieve that goal. Both the Minister of Human Rights and the Ministry of Justice Inspector General spoke of the need for empowered and resourced oversight mechanisms that lead to accountability. The judge spoke about the need to consolidate the courts into one judicial system, suggesting that the MOI and Ministry of Defense courts should fall under Higher Judicial Council supervision.

¶9. (SBU) The afternoon was divided between the international community and the GOI, but the theme throughout was GOI leadership. The first panel addressed Rule of Law initiatives within the

international community. The panelists included representatives from the EC, UNDP, EUJUST LEX, and the British and Italian Embassies. Several panelists identified the need for increased synchronization of Rule of Law capacity building efforts. Speakers called upon Iraq to lead the effort because all of these projects must ultimately support Iraqi goals.

¶10. (SBU) The final panel was asked to discuss how the international community and visiting forces could support Iraq's efforts to improve oversight institutions to protect human rights. The panel consisted of representatives from the Ministries of Interior and Defense and the Chief Appellate Judge from CCCI-Rusafa. The representatives from the Ministries of Defense and Justice spoke about inhumane detention conditions and their respective Ministries' efforts to inspect and improve those facilities. The judicial representative discussed challenges encountered in seeking to ensure that Ministries respect and enforce judicial orders, particularly release orders. The Ministry representatives highlighted resource challenges unique to the current security environment. The MOI representative pointed out that an Iraqi detective can have more than a hundred active cases, which they must pursue without vehicles.

CONFERENCE GOALS WERE ACHIEVED

¶11. (SBU) The Rule of Law Conference was successful in achieving its primary objectives. First, USG Rule of Law practitioners, both civilian and military, learned about the ongoing efforts of their counterparts, the need to coordinate with one another, and the resources available to them to accomplish their respective missions.

They also gained a better appreciation for diminishing resources, particularly time and influence, as well as the need to emphasize sustainability. Second, the USG and international community conveyed to the GOI our desire to play a supportive role and listened as Iraqi panelists discussed their goals and priorities. Finally, the USG expressed to the international community its desire to partner with them in supporting Iraq's Rule of Law capacity building initiatives.

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